

Rejoinder

Claim 19 is allowable. The restriction requirement among Groups I-IV, as set forth in the Office action mailed on 8/21/2008, has been reconsidered in view of the allowability of claims to the elected invention pursuant to MPEP § 821.04(a). **The restriction requirement is hereby withdrawn as to any claim that requires all the limitations of an allowable claim.** Claims 35-38, directed to inventions withdrawn from further consideration because all of the claims require all the limitations of an allowable generic linking claim as required by 37 CFR 1.141.

In view of the above noted withdrawal of the restriction requirement, applicant is advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application. Once a restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. See *In re Ziegler*, 443 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Stefan U. Koschmieder on 9/18/2009.

The application has been amended as follows:

In the second line of claim 19, delete "containing" and insert --consisting of (a), (b), and (c); wherein— after "a carrier".

In the second line of claim 19, insert --is—after "(a)" and before "at least one compound..."

In the third line of claim 19, replace "zirconium oxide," with --zirconium oxide;--.

In the third line of claim 19, insert --is-- after "(b)" and before "manganese dioxide".

In the third line of claim 19, replace "manganese oxide," with --manganese oxide;--.

In the third line of claim 19, insert --is-- after "(c)" and before "alumina".

In the third line of claim 19, replace "alumina," with --alumina;--.

In line 10 of claim 19, insert --metal-- after "noble" and before "element".

In line 12 of claim 19, delete "(c)" and "(a')".

In line 15 of claim 19, insert --alumina— after "calcined" and before "carrier".

In line 15 of claim 19, delete "(b')".

In the last line of claim 19, delete "thus-impregnated" and replace with --manganese impregnated calcined alumina--.

In claim 30, delete "(b')".

In claim 32, delete "(b)".

In the second line of claim 39, insert --wherein (a), (b), and (c) are components of a carrier-- after "consisting of components (a), (b), (c) and (d)".

In the third line of claim 39, insert --is-- after "(a)".

In the fifth line of claim 39, insert --is-- after "(b)".

In the sixth line of claim 39, insert --is-- after "(c)".

In the last line of claim 39, insert --metal-- after "noble" and before "element".

In the last line of claim 40, insert --metal-- after "noble" and before "element".

The following is an examiner's statement of reasons for allowance: The closest prior art of record Qin et al. (US6107239) does not teach or suggest a catalyst with the claimed structure, a carrier containing only the components (a), (b), and (c) as claimed and instead includes yttrium and several other components. See column 5, lines 8-13 and column 6, lines 41-63.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANTHONY J. ZIMMER whose telephone number is (571)270-3591. The examiner can normally be reached on Monday - Friday 7:30 AM - 5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stanley Silverman can be reached on 571-272-1358. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1793

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ajz

/Steven Bos/
Primary Examiner, Art Unit 1793